

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

Case No. 19-04547-BKT

GIOVANNI MARIN IRIZARRY
WALESKA OLIVO SANTIAGO

Chapter 13

Debtors

DEBTOR'S MOTION FOR RECONSIDERATION OF ORDER DISMISSING CASE
DOCKET #53

COMES NOW, DEBTOR(S), represented by undersigned counsel, and very respectfully alleges and prays as follows:

1. On April 30, 2019 (Doc #44), the trustee filed a Motion to Dismiss, (the "Motion") alleging that Debtor has failed to make plan payments.
2. Regrettably, and due to a calendaring issue at Undersigned's Counsel's Office, the Debtor failed to file a timely respond to the Motion. Accordingly, on June 19, 2020 (Doc #53) this Honorable Court entered an Order Dismissing the instant Chapter 13 case.
3. The Order Dismissing the Case, however, should be reconsidered for at least two reasons.
4. First, the Order Dismissing the Case should be reconsidered because it was, in large part, due to excusable neglect. Specifically, due to the mis-calendaring of the response time to the Motion to Dismiss, the same went unanswered.
5. Second, the Motion should be reconsidered because the underlying reason for the motion, i.e., the plan payments were paid. Specifically, Debtor made a payment in the amount of 345.00 corresponding to the months of May and June bringing the account current. See, **Exhibits A and B**.
6. Therefore, Debtor respectfully moves this Honorable Court to reconsider the Order Dismissing the Case.

WHEREFORE, Debtor hereby respectfully requests that this Honorable Court grant this Motion as requested and set aside the Order Dismissing the Case at Docket #53.

14 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST, you are hereby notified that you have thirty (14) days from the date of this notice to file an opposition to the foregoing motion and to request a hearing. If no objection or other response is filed within the prescribed period of time, the Debtors motion will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise. If a timely opposition is filed, the court will schedule a hearing as a contested matter.

CERTIFICATE OF SERVICE: I hereby certify that on this same date the foregoing motion was filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants, the USA Trustee and the Chapter 13 Trustee.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 1st day of July 2020

THE BATISTA LAW GROUP, PSC.

Jesus E. Batista Sánchez, Esq.

Counsel for Debtor

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/s/ Jesus E. Batista Sánchez, Esq.

USDC-PR No. 227014

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19-04547-BKT	GIOVANNI MARIN IRIZARRY		\$230.00 MO	Bar Date(s):	10/18/2019 (has passed) 2/5/2020 (has passed)
	WALESKA OLIVO SANTIAGO			Confirmed:	Not Confirmed
	Trustee: ALEJANDRO OLIVERAS RIVERA	Attorney: JESUS ENRIQUE BATISTA SANCHEZ *		Case Status:	ACTIVE (6/19/2020)

Debtor Pay Schedules

Start Date	Number Periods	Amount	How Often	Who's Paying	Order Date	Action
9/8/2019	60.00	\$230.00	MONTHLY	GIOVANNI MARIN IRIZARRY	8/13/2019	
9/8/2024	end of plan	\$0.00	MONTHLY	GIOVANNI MARIN IRIZARRY	8/13/2019	

Forgive Information

Date	Amount	Description
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Payments Expected for Step 1:

Period	Start Date	End Date	Payment Amount Expected	Total
1	9/8/2019	10/7/2019	\$230.00	\$230.00
2	10/8/2019	11/7/2019	\$230.00	\$460.00
3	11/8/2019	12/7/2019	\$230.00	\$690.00
4	12/8/2019	1/7/2020	\$230.00	\$920.00
5	1/8/2020	2/7/2020	\$230.00	\$1,150.00
6	2/8/2020	3/7/2020	\$230.00	\$1,380.00
7	3/8/2020	4/7/2020	\$230.00	\$1,610.00
8	4/8/2020	5/7/2020	\$230.00	\$1,840.00
9	5/8/2020	6/7/2020	\$230.00	\$2,070.00
Total				\$2,070.00

Payments Expected for Step 2:

Period	Start Date	End Date	Payment Amount Expected	Total
1	9/8/2024	10/7/2024	\$0.00	\$0.00
Total				\$0.00

Breakdown for Combined Schedules

Period	Date (Month/Year)	Payment Due	Payment Received	Forgive Amount	Amount Due
1	9/2019	\$230.00	\$230.00		\$0.00
2	10/2019	\$230.00	\$460.00		(\$230.00)
3	11/2019	\$230.00	\$230.00		(\$230.00)
4	12/2019	\$230.00			\$0.00
5	1/2020	\$230.00			\$230.00
6	2/2020	\$230.00			\$460.00
7	3/2020	\$230.00			\$690.00
8	4/2020	\$230.00			\$920.00
9	5/2020	\$230.00	\$690.00		\$460.00
10	(Closed: 6/20) 6/2020	\$230.00	\$345.00		\$345.00
11	(Closed: 6/20) 7/2020				\$345.00

Total Delinquent Amount: \$345.00




Reference Number: b3edf879bf46494

Hello, Waleska Olivo

We would like to let you know that **Capitulo 13 Alejandro Oliveras** has received your payment.

Payment Details

Case Number	Payment Description	Amount
1904547	ACH	\$345.00
Transaction Date	Authorization Number	Payment Method
7/1/2020 10:13:24 AM	399805	 (xxxxxx8617)

This is your receipt. Your payment will be processed during the next five (5) working days.

Sincerely,

Capitulo 13 Alejandro Oliveras